

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NEW YORK

FERNANDO MENENDEZ

Plaintiff,

-against-

NCO FINANCIAL SYSTEMS, INC

Defendant.

**COMPLAINT**

Jury and Trial Demand

INTRODUCTION

1. This is an action for civil damages brought by an individual consumer based on violations of the Fair Debt Collection Practices Act 15 U.S.C. § 1692, et. seq. (Hereinafter referred to as "FDCPA") by Defendant NCO FINANCIAL SYSTEMS, INC (Hereinafter referred to as NCO).

JURISDICTION

2. The Court has proper jurisdiction over this matter pursuant to 15 U.S.C. § 1692k (d) and 28 U.S.C. § 1337.

VENUE

3. Venue in this Court is proper pursuant to 28 U.S.C. § 1392c. The defendant has significant business contacts within the jurisdiction of this court and thus is subject to

personal jurisdiction in this judicial district. Plaintiff is a resident of Nassau County, NY and is subject to the personal jurisdiction in this judicial district.

#### PARTIES

4. Plaintiff, FERNANDO MENENDEZ (Hereinafter referred to as "MENENDEZ"), is a natural person at all times during the events of this action residing in this judicial district. Plaintiff MENENDEZ is a "consumer" pursuant to FDCPA.
5. NCO conducts business at 507 Prudential Road, Horsham, PA, 19044. Upon information and belief, NCO is a debt collector as defined by FDCPA.

#### FACTUAL ALLEGATIONS

6. In between August 2012 and December 2012, Defendant caused the personal cell phone of Plaintiff to ring repeatedly at all times of the day and night.
7. Defendant used numerous different "caller ID" indicators during its pattern of repeated contact with Plaintiff.
8. In every single instance where Plaintiff did not answer a phone call of Defendant, Defendant failed to provide, by means of a message on the answering machine or in any other manner, any meaningful information, or any information at all about the nature of the call.

9. Upon information and belief, Defendant employs a system to randomly display numerous caller IDs when making automated phone calls in an effort to deceive consumers as to the true identity of the caller, the Defendant.
10. Upon information and belief, Defendant has a policy of intentionally not leaving messages on alleged debtors' voice mail, in an effort to deceive consumers as to the true identity of the caller, the Defendant.

AS AND FOR A FIRST CAUSE OF ACTION

*Violations of FDCPA are alleged by Plaintiff*

11. Defendant's willful use of numerous multiple caller IDs in contacting Plaintiff is deceptive and violates 15 USC 1692(d) generally.
12. Defendant's numerous and persistent calls to Plaintiff constitute harassment and are abusive and violate 15 USC 1692(d) generally.
13. Defendant's willful and repeated calls without any meaningful disclosure of the identity of caller or nature of the call are deceptive, constitute harassment and violate 15 USC 1692(d) generally.

WHEREFORE, Plaintiff respectfully request that this Court grant judgment against DEFENDANT:

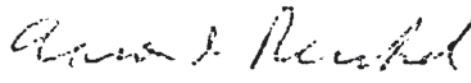
- A. Statutory and actual damages pursuant to 15 USC § 1692k,
- B. Attorney fees, expenses and costs incurred in connection with this action.

C. Any further, additional or different relief which this Court deems just and proper.

D.

Plaintiff requests trial by jury on all issues so triable.

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